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STATEMENT OF

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CITY OF BEAUMONT, TEXAS

on behalf of

THE NATIONAL LEAGUE OF CITIES

before the

House Committee on Homeland Security

on

"Federalism and Natural Disaster Response: Examining the
Roles of Local, State, and Federal Agencies."

October 19, 2005

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Thank you, Chairman King, Ranking Member Thompson and members of the House Committee on Homeland Security for the opportunity to speak with you today. I am Audwin M. Samuel, Councilmember and Mayor *pro tem* of Beaumont, Texas. I am pleased to testify on behalf of the National League of Cities on "Federalism and Natural Disaster Response: Examining the Roles of Local, State, and Federal Agencies." My remarks are based on my service as the Vice-chair of the Public Safety and Crime Prevention Policy and Advocacy Committee of the National League of Cities. Most importantly, I am also relying on my seventeen years as a council member in Beaumont, Texas – my beautiful city which recently experienced the fury of Hurricane Rita.

The National League of Cities is the nation's oldest and largest association representing municipal interests before the federal government - representing more than 135,000 locally elected officials in more than 18,000 cities of all sizes. Our largest member is New York City, NY with a population of 8 million and our smallest member is Vernon, CA with a population of 91. As the representative of the nation's local leaders, the National League of Cities has a vital interest in clarifying the roles and responsibilities of local government and how the federal policies impact the stability of municipalities and their ability to deliver key services to America's citizens and residents.

Beaumont, Hurricane Rita, and Intergovernmental Relationships:

The National League of Cities (NLC) has adopted policy which states that "local governments are the first level of government to respond to most disasters and emergencies and must be regarded as the focal point of all disaster mitigation and recovery activities." (2005 *National Municipal Policy*¹, §6.01(A)) The highest priority of all levels of government in addressing disaster and terrorism issues should be prevention and mitigation. Mitigation saves lives and reduces injuries; reduces economic losses; maintains and protects critical infrastructure; and reduces the liability borne by local governments and elected officials.

All in all, seamless integration with all levels of government is critical to prepare, respond, and recover from natural and terrorist disasters. The two most important questions that must be understood are:

- 1) *Who is responsible* for homeland security – whether natural or man-made?
- 2) Who has *authority* to tell *whom to do what*?

Members of the Committee, Beaumont, TX was exemplary in its planning and response to Hurricane Rita because there was a clear understanding of who was responsible and who had authority. Plans were underway at least four days before Hurricane Rita made landfall in my city. As *Mayor pro tem*, I was among the city and county officials who joined Governor Perry's office on regularly scheduled telephone conferences to discuss our incident management system. As the storm neared and a hurricane watch turned into a hurricane warning, the command system went into effect within the region. Specifically, the county judge, the designated command chief, took the helm and all the regional officials began to communicate and share their plans.

¹ The National Municipal Policy (NMP) contains the formally adopted positions taken by the organization on national issues. As a national membership organization, NLC focuses its policy positions on federal actions, programs, and proposals which directly impact municipalities.

There were three telephone conferences per day at 10:00 a.m., 3:00 p.m., and 10:00 p.m. as of Tuesday before the storm. The regularly scheduled phone calls offered an excellent opportunity for everyone to familiarize themselves with the key decision makers – which included the surrounding mayors, county judge, state officials, Coast Guard, and the principle first responders. The command team received updates regarding the storm's track and intensity, estimated time for landfall, and the location for the pre-positioning of the necessary emergency and response equipment. The affected industries and their representatives, although not part of the telephone conferences, were provided regular updates since the refineries in the area need advance notice to shut down.

Direct communication among the regional command center continued as the storm intensified. When the storm veered more directly toward Beaumont, the regional command center was forced to relocate inland. Entergy, the local utility company, graciously provided the necessary space for the repositioned command center - a true public/private partnership.

At 6:00 a.m. on Thursday, the county judge called for a mandatory evacuation of the southernmost part of the county, Sabine Pass, and then Port Arthur, the mid-county cities, then Beaumont at noon. The decision for mandatory evacuation came after many post-conference call breakout sessions. Let me state clearly, that the decision regarding evacuation rested with the county judge – the incident command chief who took into consideration the input of the area mayors. There were many discussions regarding the timing, speed, strength, and path of the storm before the mandatory evacuation was declared. Local officials also engaged in planning for the evacuation of vulnerable population by coordinating with the Coast Guard and other key players to airlift those with compromised health.

Local officials were also in constant communication with the Department of Public Safety (state police) and county sheriff regarding how to deploy the evacuation. The volume of the traffic from the previous evacuations of Galveston, Chambers, and Harris Counties and the unavailability of inland shelters posed a great problem. Evacuees from Katrina were housed in the designated shelter areas which were about 70 to 80 miles from Beaumont. This forced many seeking shelter to have to drive 200 to 600 miles to find the next available shelters. Once the evacuation was in effect, the state played a more prominent role because of the use of state highways and traffic concerns.

As the storm intensified on Friday night and unleashed its fury on Saturday, the city was deserted. The regional command system remained in place, nevertheless. Devastation and darkness greeted me when I returned from Dallas late Saturday evening. A typical four-hour ride took seven hours because of the lack of gasoline along the interstate and the need to rely on secondary roads. The Coast Guard and some key FEMA officials (without their teams) were on hand.

I was struck to learn, however, that despite our careful planning there were problems with our emergency communication systems. As the state police prevented people from reentering the city, their units had to be coupled with a Beaumont police or county sheriff because their communication system was not interoperable. The residents' return home was prevented by

downed power lines, uprooted trees and other damage. Local police, with personal knowledge of the geographic layout of the city and back roads, had to be paired with other law enforcement agencies to serve as communication conduits to the state and other officials.

Local and state first responders performed search and rescue of the community while the federal officials established their staging site at Ford Park coliseum center, earlier used as the Katrina command operation center and evacuee site. The staging site contained ice trucks, generators, and other amenities needed to alleviate the plight of residents. The city hall, police stations and hospitals were without power and there was significant flooding near the underpasses of the highway. City officials were upset to learn that federal officials at the staging site could not release the generators necessary to power-up the city or ice trucks until Washington, D.C. approved the “assessment process.” Local officials who helped to pre-position the equipment before the storm had to, in some reported instances, put in new requests for generators. After the storm, however, local authority was marginalized by the requirement that Washington, D.C. - not the regional command system or federal officials on the ground - act as the final decision makers.

The public’s frustration grew considerably on Sunday and Monday as they weathered the Texas heat without power, while generators and ice stayed in the trucks awaiting approval by Washington, D.C. In reply, the Jefferson County Judge, where Beaumont is located, made the executive decision to expend over \$500,000 for generators. The local utility company, Entergy, also helped to provide generators.

As our recent experience with Rita indicate, a clear understanding of who is responsible and who has authority to do what is key to an effective intergovernmental response. In our case, federal bureaucratic red tape prevented the county judge, who was the designated command chief, from making the decisions on the ground necessary to mobilize needed supplies.

Recommendations to Improve Intergovernmental Coordination

Based on my Hurricane Rita pre-planning and recovery experience, I am now convinced more than ever that the local governments should be prepared to be “on their own” for the first 48 to 72 hours before federal assistance arrives to assist with a catastrophic event. Equally important, we need a national, not federal homeland security response to catastrophic disasters. Only a national effort will ensure that all levels of government participate in the disaster planning and recovery as full and equal partners. Listed below are the National League of Cities’ recommendations to establish an effective national preparedness and response plan:

- 1) An effective system must be developed to ensure that federal and state emergency management officials conduct substantive consultations with local officials to make key decisions affecting homeland security, disaster preparedness and response at the local level. NLC embraces efforts to develop a comprehensive national homeland security and disaster preparedness strategy because the likelihood of natural disasters and the potential for hazardous or radioactive material spills, pipeline accidents, large scale social disorders, and domestic and international terrorism require that all levels of government coordinate efforts to protect communities. This is why NLC has strongly urged that the Department of Homeland Security continue to have a central office for coordinating local

and state domestic preparedness activities. Regional plans and cooperation must be fostered through this central office. It is also critical that local officials are afforded the maximum flexibility to use the federal and state technical and financial funds to meet the needs of their constituents.

- 2) There must be adequate funding for local emergency preparedness and disaster planning to allow a city to tailor planning to the special circumstances and needs of the area, particularly to areas with facilities and dense populations that have the potential to be terrorist targets or are prone to natural disasters. The federal government must also increase funding to local governments for preparedness and response, including processes to resolve equity issues in disaster relief efforts. Specifically, when multiple cities have been damaged by a disaster, a formula or waiver process should be available to allocate resources for disaster-related damage in a fair manner.

Clearly, the transfer of funding from the Preparedness, Mitigation, Response, and Recovery Program at the Federal Emergency Management Agency (FEMA) has hampered recovery and response to Gulf State areas affected by Hurricanes Katrina and Rita. One such example is the transfer of \$79 million from FEMA's preparedness office to the operational programs of the Transportation Security Administration. Also, FEMA regional offices, which are central to effective intergovernmental communication, have experienced shortages in staffing levels which has left them with seventy-percent of authorized positions filled. These are the types of resource allocation and policy decisions that hinder cooperation among levels of government, as demonstrated by the shortcomings of the responses to areas impacted by Hurricanes Katrina and Rita.

- 3) Local governments must have appropriate emergency communication systems. NLC policy calls for the federal government to take "immediate action to provide local governments with the broadcast channels needed to enhance their communications capabilities. ... The federal government should encourage regional planning for public safety communication needs and address the current shortage of spectrum channels with a long-term plan that ensures available broadcast channels to meet future public safety needs across the nation." (2005 *National Municipal Policy* §6.02(E)(2))

In the wake of the emergency communications problems experienced during and after Hurricane Katrina, NLC called on Congress to take immediate action on legislation that would set a firm date for television broadcasters to return the radio frequencies that have been set aside for public safety purposes. NLC has been a vocal advocate for legislation that would permanently clear broadcast spectrum for emergency communication since the 1995 bombing in Oklahoma City. In 1997, Congress promised first responders that the radio frequencies would be available to them by December 31, 2006. The 9/11 Commission's Final Report concluded that the inability of these first responders to talk with each other and the congestion of the frequencies on the spectrum resulted in the significant loss of life on September 11, 2001.

Members of the Committee, when first responders cannot talk to each other, lives are lost. This is why NLC has called on Congress to pass the Homeland Emergency

Response Operations Act (HERO), H.R. 1646, sponsored by Representatives Weldon and Harman, both esteemed members of this committee. NLC is again appealing to you to do the right thing and pass legislation sets a date certain of December 31, 2006, or as close to that date as possible.

- 4) Local governments must be provided with the technical assistance and regional training devoted to disaster preparedness and response. This technical assistance should include the gathering and regular dissemination of information to local governments on general disaster issues and terrorist threats as well as specific disasters where they occur.
- 5) The federal government must also share the information with local governments without jeopardizing national security. Regions, as part of federal technical assistance efforts, should be encouraged to share resources and equipment needed for preparedness and response through mutual aid agreements and regional coordination.

There also needs to be an extensive effort to expand and improve the relationships that exist among federal, state, local, and private sector personnel responsible for networking, prevention, preparedness, response, and recovery. Expertise can be pooled from national state and local government associations along with the professional associations for public health, public works, police and fire fighters, and the National Emergency Management Associations and its Homeland Security Consortium. Policy makers can also get valuable information from advisory groups and task forces from the Department of Homeland Security.

- 6) Knowing that improved safety from disasters in the future relies on what we can learn from the disasters of today, the federal government should collect data on the effects of disasters and lessons learned from Katrina and Rita and disseminate that analysis to aid state and local disaster-related efforts. Similarly, the federal government should provide assistance to state and local governments to help them conduct annual hazard and risk assessments to determine the vulnerability of particular areas or structures to disasters or terrorist acts based on historical and/or intelligence information.
- 7) A uniform emergency warning system should be developed to ensure that as people travel throughout the nation they will be informed of existing emergencies and advised how to respond.
- 8) Local governments should be supported in their efforts to encourage the public and private sectors to retrofit existing structures to reduce future losses from natural disasters and to locate new construction outside of high-risk areas such as flood plains, coastal areas or on or near earthquake faults.

Conclusion

The familiar mantra after every natural disaster or act of terrorism is that the nation needs to improve federal, state, and local coordination regarding preparedness, recovery and response. A 1993 report by the U.S. General Accountability Office (GAO) found that there was a need to “provide state and local governments with training specifically geared towards developing such

necessary skills for responding to catastrophic disasters.”² However, despite the fact that GAO has published over 120 reports on preparedness and response, it has found that “the extent to which many of our earlier recommendations have been fully implemented remains unclear.”³ What is clear is that Hurricane Katrina, and to some extent Rita, revealed the need for improved intergovernmental response to catastrophic disasters.

Homeland security is about relationships - whether we are talking about responding to hurricanes and fires or the work of terrorists. Public servants at all levels of government cannot accomplish the goals of preparedness and response if they are not familiar with the people with whom they have to work and the area and the people they need to serve. The clear delineation of responsibilities and trust are critical to deploying the response and recovery plan. Intergovernmental coordination will improve the preparedness and response to disasters and thereby mitigate the losses incurred; thus helping to maintain viable communities and an economically sound nation. When we have a truly organized system to respond to emergencies, the nation will realize that a natural disaster does not have to be a national disaster.

On behalf of the National League of Cities, I thank you for the opportunity to submit this testimony on this most critical issue.

² Disaster Management: Improving the Nation’s Response to Catastrophic Disasters, Government Accountability Office, July 1993, page 9.

³ Norman J. Rabkin, Managing Director, Homeland Security and Justice Issues, Government Accountability Office, Testimony before the Subcommittee on Oversight and Investigations, House Committee on Energy and Commerce, September 28, 2005.